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10/611,464	06/30/2003	Scott Traynham Stillman	20103/030085	1605
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/611,464

**Applicant(s)**

STILLMAN ET AL.

**Examiner**

ALEXANDER JAMAL

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment/Arguments*

1. Based upon the submitted amendment entered via RCE, the examiner notes that claims 1-4 are canceled and claims 5,8-18 have been amended and claims 19-21 have been added.
2. As per applicant's previous arguments that the Pagani does not disclose using the PSTN, the examiner notes that Pagani discloses the internet which is a known communications network over the PSTN. Additionally, Pagani discloses (block 640 in Fig. 6) that configuration data is transmitted across a regional provider (part of the PSTN).
3. As per applicant's previous arguments that Pagani does not disclose a system that inherently comprises protocol translation stages between the devices communicating with each other, the examiner notes block 640 in Fig. 6 of Pagani discloses 'configuring a CPE over a network'. The examiner strongly contends that any data sent across a network is subject to multiple stages which translate protocols in order to effectively communicate across said network. Additionally, examiner notes Para. 44 of Pagani which discloses a DSLAM and protocol server (DHCP). Additionally, **if applicant maintains that the protocol translation is not inherent to Pagani, the examiner contends that applicant's own specification should then be read as non-enabling as per 35 USC 112 first paragraph**, as applicant's specification does not provide any enablement for translating between specific protocols. In fact, applicant's specification does not disclose any specific protocols used (what protocol does a 'DSL' follow ?) The examiner contends that both

applicant's device and the prior art of record inherently comprise the means to 'translate protocols' as that is a defining and inherent characteristic of any network.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 5-8,11,12,14-18,21**, rejected under 35 U.S.C. 103(a) as being anticipated by Pagani et al. (US 20020095484 A1) and further in view of Loveland (6895558).

As per **claims 5,21**, Pagani discloses a system to remotely configure diverse broadband components (ABSTRACT) over a PSTN (the internet is over the PSTN as well as the 'regional provider'). As such the system comprises sending a configuration request through multiple components across a network in order to provide the disclosed configuring function (para. 9,10) by a technician with a mobile computer. The signal is sent from the technician's terminal (any portion of the network may be thought of as a "first system"), the signal is then sent to a DSLAM, which receives the signalling, plies the appropriate protocol translations (on the signal received via 'test equipment') and sends out a test signal to the CPE. However, Pagani does not disclose the specific

signaling interface (such as IVR) used by the technician to interact with the mobile computer.

Loveland discloses that (Col 8 lines 57-67, Col 9 lines 1-15) a STT and TTS interface (IVR interface) on a device may be used by a user to send signaling (in addition to touch-tones, which are dtmf signals) to other devices on the network from a computer terminal. Loveland additionally discloses that an IVR server may be used (Col 2 lines 50-65). It would have been obvious to one of ordinary skill in the art at the time of this application that any well known means (such as an IVR system) could be used by Pagani's disclosed technician to communicate with the network via the mobile computer (with the IVR interface taught by Loveland) for the purpose of allowing the technician to communicate to the network via the computer.

As per **claims 6,7** the diverse equipment would each have different protocols, and inherently comprise the means to translate between protocols. The examiner further notes the extremely well known concept of an **internet** where any number of various components of different signaling protocol may communicate with each other.

As per **claim 8**, the system may configure DSL ports (para 1.)

As per **claims 11,12**, the examiner reads the configuring of DSL ports as comprising a configuring step and a 'verifying' step, and a receiving information step.

As per **claim 14**, examiner notes that any managing component (such as the inherent software) in the network could be considered a 'network management system'.

As per **claims 15,16, (para. 41)** the broadband equipment responds to configuration commands (inherently must be translated between protocols). The response may indicate the status of the equipment (if it was changed or not).

As per **claims 17,18** they are rejected as per the claim 5,6,14,15.

As per **claims 9,10,13**, Pagani discloses technicians may remotely configure the DSL equipment, but does not specify the specific input means used by the technicians, such as an IVR or DTMF signaling scheme. It would have been obvious to one of ordinary skill in the art at the time of this application that any well known user input interface could be implemented (such as a voice or DTMF) for the advantage of increasing the user interface.

Additionally the examiner notes that Loveland discloses the voice, IVR and dtmf interfaces as per the claim 5 rejection.

As per **claims 19-20**, the communications network inherently comprises channels and routing paths (ports) to which a test signal request and subsequent test signal from the DSLAM are sent out on. The port is identified by the destination address (cpe address) of the test signal.

### **Response to Arguments**

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498, and whose email address is alexander.jamal@uspto.gov

The examiner can usually be reached on M-F 8AM-5PM.  
If attempts to reach the examiner by telephone or email are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499.

The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

June 18, 2009